

(b) *Limitation on administrative expenses.* No more than 10 percent of available funds shall be used for administrative expenses over the life of the contract with the PCIP, absent approval from HHS.

**§ 152.33 Initial allocation of funds.**

HHS will establish an initial ceiling for the amount of the \$5 billion in Federal funds allocated for PCIPs in each State using a methodology consistent with that used to established allocations under the Children's Health Insurance Program, as set forth under 42 CFR Part 457, Subpart F, Payment to States.

**§ 152.34 Reallocation of funds.**

If HHS determines, based on actual and projected enrollment and claims experience, that the PCIP in a given State will not make use of the total estimated funding allocated to that State, HHS may reallocate unused funds to other States, as needed.

**§ 152.35 Insufficient funds.**

(a) *Adjustments by a PCIP to eliminate a deficit.* In the event that a PCIP determines, based on actual and projected enrollment and claims data, that its allocated funds are insufficient to cover projected PCIP expenses, the PCIP shall report such insufficiency to HHS, and identify and implement necessary adjustments to eliminate such deficit, subject to HHS approval.

(b) *Adjustment by the Secretary.* If the Secretary estimates that aggregate amounts available for PCIP expenses will be less than the actual amount of expenses, HHS reserves the right to make such adjustments as are necessary to eliminate such deficit.

**Subpart G—Relationship to Existing Laws and Programs**

**§ 152.39 Maintenance of effort.**

(a) *General.* A State that enters into a contract with HHS under this part must demonstrate, subject to approval by HHS, that it will continue to provide funding of any existing high risk pool in the State at a level that is not reduced from the amount provided for

in the year prior to the year in which the contract is entered.

(b) *Failure to maintain efforts.* In situations where a State enters into a contract with HHS under this part, HHS shall take appropriate action, such as terminating the PCIP contract, against any State that fails to maintain funding levels for existing State high risk pools as required, and approved by HHS, under paragraph (a) of this section.

**§ 152.40 Relation to State laws.**

The standards established under this section shall supersede any State law or regulation, other than State licensing laws or State laws relating to plan solvency, with respect to PCIPs which are established in accordance with this section.

**Subpart H—Transition to Exchanges**

**§ 152.44 End of PCIP program coverage.**

Effective January 1, 2014, coverage under the PCIP program (45 CFR part 152) will end.

**§ 152.45 Transition to the exchanges.**

Prior to termination of the PCIP program, HHS will develop procedures to transition PCIP enrollees to the Exchanges, established under sections 1311 or 1321 of the Affordable Care Act, to ensure that there are no lapses in health coverage for those individuals.

**PARTS 152–158 [RESERVED]**

**PART 159—HEALTH CARE REFORM INSURANCE WEB PORTAL**

Sec.

159.100 Basis and Scope.

159.110 Definitions.

159.120 Data Submission for the individual and small group markets.

**AUTHORITY:** Section 1103 of the Patient Protection and Affordable Care Act (Pub. L. 111–148).

**SOURCE:** 75 FR 24482, May 5, 2010, unless otherwise noted.